

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 08-69936

REGINALD E. SMITH, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This case comes before the Court on Debtor's "Motion to Reopen," filed on July 2, 2009 (Docket # 20, the "Motion"), which this Court construes as a motion to reopen this case, and also for reconsideration of, and for relief from, the March 11, 2009 Order dismissing this case (Docket # 18), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

Further, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, the Debtor was required to have paid the filing fee for this case in full no later than February 20, 2009, according to the Court's order filed December 30, 2008 (Docket # 13), but has not done so, even now. Second, the Court's docket reflects that the Bankruptcy Noticing Center mailed a copy of the Court's February 25, 2009 show cause order to the Debtor, at the Debtor's address of record, on February 27, 2009 (Docket # 17). Yet Debtor failed to appear at the March 11, 2009 hearing, and failed to pay any part of

the \$299.00 filing fee. Third, Debtor's motion to reinstate this case is untimely, because it was not filed within 10 days after the dismissal of this case on March 11, 2009, and it was not filed within a reasonable time as required by Fed.R.Civ.P. 60(b). The Court's docket reflects that the Bankruptcy Noticing Center mailed a copy of the Court's notice of the dismissal of this case to the Debtor, at the Debtor's address of record, on March 13, 2009 (Docket # 19). Debtor did not file the Motion until almost four months later, on July 2, 2009. The Motion offers no excuse or explanation for this lengthy delay.

Finally, the Debtor's request to waive the filing fee for his motion to reopen this case, and also to waive the original filing fee for this case, both must be denied, as impermissible, and as lacking any good ground for granting such requests.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED in its entirety.

**Signed on July 13, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**